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REMARKS

It is noted from the latest Office Action(s) that the Examiner has stated that the applications cited in the information disclosure statement mailed 7/30/2001 were not considered because the form does not comply with 37 CFR 1.98(a)(1). Submitted herewith is yet another copy of such information disclosure statement, so that such references may be considered, and such consideration may be documented in the record. Applicant emphasizes to the Examiner MPEP 609D below:

"Applicants may wish to list U.S. patent application numbers on other than a form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

The Examiner has rejected Claims 1-5, 10-14, 19, 30 and 33-36 under 35 U.S.C. 103(a) as being unpatentable over Wallenius (U.S. Patent No. 6,760,417) in view of Albal (U.S. Patent No. 6,668,046) and in further view of Bullard et al. (U.S. Patent No. 6,405,251). The Examiner has further rejected Claims 20, 21, 24, 25, 28, 37 and 38 under 35 U.S.C. 103(a) as being unpatentable over Forslow (U.S. Patent No. 6,608,832) in view of Albal and in further view of Bullard. The Examiner has still further rejected Claims 7-9, 16-18 and 29 under 35 U.S.C. 103(a) as being unpatentable over Wallenius in view of Forslow and in further view of Albal and Bullard. Applicant respectfully disagrees with such rejections, especially in view of the amendments made hereinabove to each of the independent claims.

With respect to each of the independent claims, the Examiner has relied on Figures 4 and 5 along with the following excerpt from Albal to make a prior art showing of applicant's claimed technique "wherein the customer is charged for the customer communication by mapping the Internet Protocol content usage information to the call

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description record information to generate mapped information that is filtered, enhanced, and aggregated prior to being delivered to a billing module" (see the same or similar, but not identical language in each of the independent claims).

"The Call Detail Records (CDR) tracks the subscriber's usage of the telecommunication services at block 88. The subscriber may also access the Internet via the communications node 56 at block 90. The communication node 56 provides the access to the Internet at block 92, which may have content, goods, or services of interest to the subscriber at block 94. If the subscriber desires to make a purchase of good, service or content from the Internet via the communication node 56 at block 96, the communication node 56 functions as an agent of the subscriber at block 98. In particular, the communication node 56 will make the payment to the Internet merchant for the content, goods, or services of interest to the subscriber at block 100. The advantage of this arrangement is that the subscriber does not have to pay the merchant directly and therefore does not have to provide sensitive credit card information to the merchant to make the payment. **The CDR tracks all of the transaction details at block 102.**" (Col. 7, lines 42-59-emphasis added)

Applicant respectfully asserts that such excerpt only teaches a "CDR [that] tracks all of the transaction details" (see emphasized excerpt above). Applicant notes, however, that nowhere in such excerpt or the entire Albal reference is there any disclosure of "generat[ing] mapped information that is filtered, enhanced, and aggregated prior to being delivered to a billing module," as specifically claimed by applicant (emphasis added). Only applicant teaches and claims such specific processing, namely filtering, enhancing, and aggregation of mapped information prior to being delivered to a billing module, which provides for more effective or efficient processing of such information by the billing module.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the

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prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all of the claim limitations, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of Claim 36 into each of the independent claims.

With respect to the subject matter of dependent Claim 36, as presently incorporated into each of the independent claims, the Examiner has relied on Figure 5 in Albal to make a prior art showing of applicant's claimed technique "wherein the mapping provides competitive content-based tariff models." With respect to the content charges shown in Figure 5, applicant notes that Albal only generally teaches that an amount of the service 164 is provided (see Col. 8, lines 21-22). Clearly, such a general disclosure does not meet applicant's specific claim language, namely "competitive content-based tariff models" (emphasis added) which is specifically provided by the claimed mapping.

Applicant further notes that the prior art relied on by the Examiner is also deficient with respect to the dependent claims. For example, with respect to Claim 3 et al., the Examiner has relied on Col. 5, lines 15-18 in Wallenius to make a prior art showing of applicant's claimed technique "wherein fraud and quality of service is monitored in real-time utilizing the call description record information and the Internet Protocol content usage information."

Applicant respectfully asserts that such excerpt discloses that charging algorithms may be based on quality of service, but not that "quality of service is monitored in real-time utilizing the call description record information and the Internet Protocol content usage information," as claimed by applicant (emphasis added). In addition, nowhere in

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such excerpt is there even a suggestion of monitoring fraud in real-time, as specifically claimed by applicant.

With respect to Claim 35, the Examiner has relied on Col. 3, lines 8-12 in Wallenius to make a prior art showing of applicant's claimed technique "wherein the mapping further includes synchronization between distributed associators." Applicant respectfully asserts that such excerpt from Wallenius simply discloses a support node that "controls certain operations of the packet radio service on the network side." Clearly, a node that controls operations does not even suggest any sort of "synchronization," let alone "between distributed associators," as specifically claimed by applicant (emphasis added).

With respect to Claim 37, the Examiner has relied on Col. 16, lines 39-43 in Forslow to make a prior art showing of applicant's claimed technique "wherein the access is altered by selectively precluding access to a particular network based on whether the IP address resides within a predetermined address group." Applicant respectfully asserts that such excerpt merely discloses an "application server...[that acts] as a gatekeeper for the overall conference...[and] maintains records on who is participating in the conference and with what type of application flows." Clearly, a server that simply records information does not meet applicant's specifically claimed "selectively precluding access to a particular network" and especially not where such preclusion is "based on whether the IP address resides within a predetermined address group" (emphasis added).

With respect to Claim 38, the Examiner has relied on Col. 5, lines 11-13 and Col. 13, lines 6-9 in Forslow to make a prior art showing of applicant's claimed technique "wherein the prioritization includes prioritization of packet flows based on an IP address source and destination so that a mobile communication unit assigned a higher priority receives faster service by being serviced before mobile communication units with a lower priority." Applicant notes, however, that such excerpts only generally teach "assign[ing] a specific priority to each PDP context" and that "IP quality of service parameters are mapped to corresponding circuit-switched bearer quality of service parameters."

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Applicant respectfully asserts that simply nowhere in Forslow is there any specific disclosure that "prioritization includes prioritization of packet flows based on an IP address source and destination," as claimed by applicant (emphasis added).

Since at least the third element of the *prima facie* case of obviousness has not been met, as noted above, a notice of allowance or a proper prior art showing of all of the claim limitations, in the context of the remaining elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 39-40 below, which are added for full consideration:

"wherein the content usage information includes a source, destination, user name, duration, time, date, type of server and volume of data transferred" (see Claim 39); and

"wherein the IP address associated with the mobile communication unit is assigned to the mobile communication unit in response to a connection made with a particular network such that the assigned IP address ensures a predetermined quality of service" (see Claim 40).

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is hereby authorized to charge any fees that may be due or credit any overpayment to Deposit Account No. 50-1351 (Order No. XACTP004).

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

L. Schweitzer

Application No. 09/879,681

Filed: 06/11/2001

For: SYSTEM, METHOD AND COMPUTER
PROGRAM PRODUCT FOR CHARGING
COMPETITIVE IP-OVER-WIRELESS
SERVICES

Examiner: Not Assigned

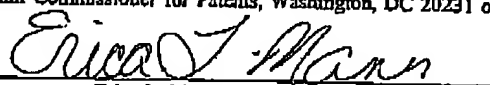
Atty. Docket No.: XACTP004

Date: July 25, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on July 25, 2001.

Signed:


Erica L. Mann

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§1.56 AND 1.97(b)

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

Application serial numbers 09/879,682, and 09/879,683, both filed June 11, 2001 may be material to examination of the above-identified patent application. Applicants identify these applications in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make this statement an official record in this application. However, IT IS RESPECTFULLY REQUESTED THAT THE APPLICATION SERIAL NUMBER AND FILING DATE NOT BE IDENTIFIED ON ANY PATENT ISSUED FROM THE ABOVE-IDENTIFIED APPLICATION under MPEP §608C(2) and §608D.

Attny Dkt No. XACTP004

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This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

This Information Disclosure Statement is believed to be filed before the mailing date of a first Office Action on the merits. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure Statement. However, if it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-1351 (Order No. XACTP004).

Respectfully submitted,

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Attny Dkt No. XACTP004

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